

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

BLUE SPIKE, LLC,

Plaintiff,

v.

HUAWEI TECHNOLOGIES CO., LTD., *et al.*

Defendants.

Civil Action No. 6:13-CV-00679 (lead case)

Hon. Robert W. Schroeder, III

**JOINT STIPULATION OF NON-WAIVER OF PERSONAL JURISDICTION DEFENSE**

Plaintiff Blue Spike, LLC (“Blue Spike”) filed suit against Defendant Beijing Xiaomi Technology Co., Ltd. (“Xiaomi”) on October 14, 2013. *See (Blue Spike, LLC v. Beijing Xiaomi Tech., Co., Ltd., Case No. 6:13-cv-00773, D.I. 1 (E.D. Tex. Oct. 13, 2013).)* On February 21, 2014, the Court consolidated a number of Blue Spike matters, including the action against Xiaomi, into the above-captioned lead case: *Blue Spike, LLC v. Huawei Techs., Co. Ltd.*, Case No. 6:13-cv-00679. On December 3, 2014, Xiaomi specially appeared in this case and filed a Motion to Dismiss for Lack of Personal Jurisdiction and Improper Venue. *See (D.I. 65.)* That motion was fully briefed on January 26, 2015, and is still pending on the Court’s docket. *See (D.I. 72.)*

On July 14, 2015, the Court ordered the parties to appear at a Scheduling Conference on July 31, 2015, which required the consolidated defendants (including Xiaomi) and Blue Spike to submit to the Court a docket control order and discovery order. *See (D.I. 76.)* Xiaomi specially appeared and joined the required notice but maintained its challenge to the Court’s jurisdiction. *See (D.I. 81 at 1, n.1).* Xiaomi also specially appeared at the required scheduling conference on

July 31, 2015, during which Blue Spike and Xiaomi agreed that any action taken by Xiaomi prior to the Court's resolution of Xiaomi's motion to dismiss shall not be construed as waiver of Xiaomi's objection to this Court's jurisdiction.

As such, Xiaomi and Blue Spike hereby submit this joint stipulation with the Court to memorialize the parties' agreement that Xiaomi has thus far only appeared specially in this case to contest the Court's jurisdiction and any future action taken by Xiaomi, prior to the Court's resolution of Xiaomi's motion to dismiss for lack of personal jurisdiction (D.I. 65), shall not be construed as Xiaomi submitting to this Court's jurisdiction or as a waiver of such defense.

Dated: August 14, 2015

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically through the Court's ECF System in compliance with Local Rule CV-5(a) on August 14, 2015.

/s/ Eman Sojoodi

Eman Sojoodi